

RUSTIN S. POLK  
Texas Bar No. 00784773  
POLK & ASSOCIATES  
214bankruptcy.com  
4514 Cole Ave., Suite 600  
Dallas, Texas 75205  
Telephone (214) 740-1160  
Telecopier (214) 572-7273

IN THE UNITED STATES BANKRUPTCY COURT  
FOR THE NORTHERN DISTRICT OF TEXAS  
DALLAS DIVISION

In re:	§	CASE NO. 09-38264
	§	
LIF ESMAEL MODABBERI	§	CHAPTER 13
	§	

PROSPERITY BANK	§
v.	§
LIF ESMAEL MODABBERI	§
	§
	§
	§

**DEBTORS' RESPONSE TO**  
**MOTION FOR RELIEF FROM STAY**  
**FILED BY PROSPERITY BANK**

**COMES NOW** the Debtors above-named, through counsel, in response to the Motion for Relief from Stay filed herein and respectfully show the Court:

ALLEGATIONS

1. The Debtors admit the factual allegations contained in paragraphs: 1, 2, 4.
2. The Debtors deny the factual allegations contained in paragraphs: 5, 6, 7, 8, 9, 10, 11, 12, 13.
3. The Debtors do not possess sufficient information to either admit or deny the factual allegations in paragraphs: 3.

ADEQUATE PROTECTION

4. The Debtor(s) may have equity in the property at issue. Moreover, the automatic stay has not resulted in any decrease in value of the property and no such decrease in the value of the

property will occur by allowing the automatic stay to remain in effect. Finally, the Debtor(s) have provided for payment of any arrearage under the note and security agreement in the Plan of Reorganization. In accordance with the practices and procedures of the Standing Chapter 13 Trustee's Office, movant is receiving payments on said pre-petition arrearage through Debtor(s)' Plan of Reorganization. Should any post-petition default actually exist, Debtor(s) will enter an agreement with Movant to cure same. Thus, Movant's interest in the property is adequately protected under the provisions of the Bankruptcy Code and no "cause" exists to lift the automatic stay.

**THEREFORE**, the Debtor(s) request that the Motion be denied and the stay remain intact.

Respectfully submitted,

/s/ Rustin Polk  
RUSTIN S. POLK  
Texas Bar No. 00784773  
POLK & ASSOCIATES  
214bankruptcy.com  
4514 Cole Ave., Suite 600  
Dallas, Texas 75205  
Telephone (214) 740-1160  
Telecopier (214) 572-7273  
ATTORNEY FOR DEBTORS

**CERTIFICATE OF SERVICE**

I hereby certify that a copy of the foregoing has been served on all parties as indicated on March 23, 2010.

/s/ Rustin Polk

**Movant:**

Prosperity Bank  
c/o counsel:  
Michael W. Broome  
Michael W. Broome, PC  
8190 Precinct Line Rd., Ste. 101  
Colleyville, TX 76034  
*via ecf*

**Bankruptcy Trustee:**

Tom Powers  
Standing Chapter 13 Trustee  
125 E. John Carpenter, Ste 1100  
Irving, TX 75062  
*via ecf*

**US Trustee:**

William Neary  
Office of the US Trustee  
1100 Commerce, Rm 9C60  
Dallas, TX 75242  
*via ecf*

**Debtors:**

Mr. Lif Esmael Modabberi  
3883 Turtle Creek Blvd. #2010  
Dallas, TX 75219  
*via usps first class*

**All Parties Requesting  
Notice**

*via ecf or usps first class*